

**FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCY
BOARD OF DIRECTORS
MINUTES**

**February 23, 2006
(Adjourned Regular Meeting of January 12 and 19, 2006)**

9:30 a.m.

**Transportation Corridor Agencies
125 Pacifica
Irvine, CA 92618**

I. CALL TO ORDER

The meeting was called to order at 9:35 a.m.

PLEDGE OF ALLEGIANCE
(Chairman Ryan)

INVOCATION
(Director Campbell)

ROLL CALL

Chairman Ken Ryan	City of Yorba Linda
Director Larry Agran	City of Irvine
Alternate Bone for Amante	City of Tustin
Director Lara Anderson	City of Dana Point
Director Lisa Bist	City of Santa Ana
Director Bill Campbell	County of Orange, 3 rd District
Director Jim Dahl	City of San Clemente
Director Lorri Galloway	City of Anaheim
Director Peter Herzog	City of Lake Forest
Director Lance MacLean	City of Mission Viejo
Director Mark Murphy	City of Orange
Alternate Eric Norby for Chris Norby	County of Orange, 4 th District
Alternate Allevato for Swerdlin	City of San Juan Capistrano
Vice Chairman Jim Thor	City of Rancho Santa Margarita
Director Tom Wilson	County of Orange, 5 th District
Cindy Quon, Ex Officio Member	Caltrans

II. OATH OF OFFICE

Chairman Ryan administered the Oath of Office to Sam Allevato, the new Alternate from the City of San Juan Capistrano.

III. BOARD BUSINESS

**1. SOUTH ORANGE COUNTY TRANSPORTATION INFRASTRUCTURE
IMPROVEMENT PROJECT (SOCTIIP)
FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR)**

(Macie Cleary-Milan, Deputy Director, Environmental Planning)

(Maria Levario, Principal Environmental Analyst)

REPORT NO. 7: (2006F-004)

TCA Staff recommendation for the Locally Preferred Alternative is the A7C-FEC-M (Green) Alternative with a maximum of six lanes. The Preferred Alternative is the product of twenty years of analysis of the southern extension of State Route 241 by local and state transportation planning agencies and six years of extensive discussions and analysis by state and federal transportation and environmental agencies including U.S. Fish and Wildlife Service (USFWS), Environmental Protection Agency (EPA), U.S. Army Corps of Engineers, U.S. Marine Corps Base Camp Pendleton, Federal Highway Administration (FHWA), Caltrans and the TCA. All of the above agencies participated in a rigorous six year evaluation of the South Orange County Transportation Infrastructure Improvement Project (SOCTIIP) alternatives. Selection of the Preferred Alternative represents a coordinated balanced approach to minimizing harm to both the natural and built environments.

The EPA and Army Corps of Engineers have preliminarily determined that the Preferred Alternative is the Least Environmentally Damaging Practicable Alternative (LEDPA). The USFWS has preliminarily indicated that the Preferred Alternative will comply with applicable requirements of the Endangered Species Act. The Army Corps of Engineers will make the final decision on the LEDPA and a determination of compliance with the Clean Water Act requirements.

Discussion:

Chairman Ryan commented that this meeting was the conclusion of a very long process of public involvement and input about the Foothill-South Project. In March 2001, public scoping meetings were held in San Clemente, Rancho Santa Margarita and Oceanside to obtain public input about the project alternatives that were to be evaluated in the draft EIR. In June 2001, the notice of preparation of the FTC-S EIR was sent to approximately 4,500 people, organizations and agencies. In May 2004, the draft EIS was circulated for public review. In June 2004, a public hearing was held at Tesoro High School. In August 2004, the public comment period closed. Approximately 7,000 comments were received on the document. In December 2005, the final EIR and response to comments document was released to the public for review. During this review period, meetings were held with individuals, homeowners groups and civic organizations. Hundreds of people visited the Information Center in San Clemente. The draft and final EIR have been on the Agencies' web-site, providing 24 hour access to the information. Most recently, on January 12, the Board met to consider

certification of the document and selection of the locally preferred alternative. Staff gave a presentation, the Board asked questions and six hours of public testimony was presented before the comment period was closed and the item was continued to January 19 for discussion. On the 19th, in respect to a letter received from Secretaries McPeak and Chrisman from the State of California, the Board postponed the decision to certify the EIR for 30 days. Chairman Ryan said he had received a phone call from Secretary McPeak the night before this meeting, expressing her appreciation of the additional time granted to the state by the Board. She indicated that this was a local decision.

Chairman Ryan then requested that staff start their presentation. Macie Cleary-Milan introduced James Brown, Chief Engineer, who answered questions the Board had posed at the January 12th meeting. Mr. Brown said the first question concerned the impacts of the confluence of the 241 and the I-5 on the operation of I-5 in the vicinity of Cristianitos and Basilone roads. He presented slides showing the existing and proposed connections. Traffic analysis shows that with the construction of the preferred alternative, those segments continue to operate at acceptable levels. Traffic simulation in that area was also done. The simulations also indicated that traffic would continue to operate at satisfactory levels. Director Campbell asked whether an analysis was performed for week-end traffic. Mr. Brown replied that the impacts to weekend traffic were not studied. Traffic models are not constructed to simulate week-end traffic independently of week-day traffic. The current assumption is that weekend traffic would continue to flow at acceptable levels.

The next Board question addressed I-5 alternative concepts. The Agency started with traffic volumes based on the 2025 forecast. Using accepted Caltrans design standards, a facility that would meet the demand and acceptable operations levels on the I-5 was evaluated. That facilities required improvements at almost every interchange/bridge (31) and intersection (4) on the I-5.

The KCA report was funded by the State Parks Foundation and was provided to the Board by KCA Engineers. It was very limited in terms of potential improvements to the I-5. KCA looked at providing an HOV lane (which is in the current I-5 plans) down to Pico, in addition to adding a general purpose lane in each direction. TCA did not take into consideration other operational improvements necessary to have the I-5 function at an acceptable level, particularly considering the estimated 60% increase in traffic over the next 20 years. KCA did not avail themselves of the traffic forecast included in the environmental document or any existing plans. Their analysis consisted of a visual observation only. Director Campbell stated that the basic argument for KCA's position is that there is existing right-of-way on I-5 and if the number of lanes is increased, necessary capacity will be obtained. According to KCA, what TCA is projecting really isn't necessary; it's a way of justifying the FTC-S. Director Campbell then asked Mr. Brown to elaborate more on this argument. Mr. Brown said that in order to have a free-flowing operational system, a highway has to function as an entire system with

capacity at the mainline and each and every interchange where the arterial traffic has to enter and exit the freeways. Considering that a 60% increase in traffic is anticipated, each interchange must be upgraded to handle that additional traffic.

Director Campbell asked Cindy Quon, the Caltrans representative, if the designs were consistent with what Caltrans would require for the expansion of the I-5 south. Ms. Quon replied that District 12 staff worked with TCA staff in reviewing all the proposals. It is the assessment of Caltrans that the documents are very conceptual and they do not appear to have been analyzed thoroughly by engineers. The documents do not address the operational and geometric concerns associated with the mainline and local interchanges as Mr. Brown described. The Caltrans assessment is consistent with Mr. Brown's description. Director Campbell asked if the document she mentioned was the KCA document. Ms. Quon clarified she was speaking about the KCA document.

Director Agran asked what the plan was to fix the malfunctioning intersections that currently exist. Mr. Brown said that OCTA has a number of chokepoint projects that they are proposing to correct some operational improvements such as a project at Avery as well as a new planned interchange at Ortega to bring those locations up to acceptable standards. Mr. Brown said there was also an HOV lane planned down to Pico. Director Agran asked if the HOV lane would create more intersection problems. Mr. Brown replied that the HOV lane operates differently. Other improvements will probably be required to accommodate the HOV lane. Director Agran then asked about prices. Mr. Brown said that OCTA has estimates on all the projects. Director Campbell said the general issues of HOV lanes and chokepoints are to be studied in a south county MIS to be done later this year by OCTA.

Mr. Brown then addressed the Beltway Concept. This is a connection from the existing 73 EB to the future extension of the 241. This is not a new concept. It has been considered for several years. It is a project to provide east/west relief to congestion. This concept would not provide any relief to the I-5 corridor. The Beltway project would have to be done in combination with I-5 widening in order to provide north/south congestion relief.

Mr. Brown addressed the non-compete agreement. The provision does not restrict the selection or construction of any alternative. The Agreement is limited in scope and does not give the Agency veto power over construction of any project. It provides financial protection for the TCA under very limited conditions. It is a safety net under which the Agency could receive a payment to cover a debt-service shortfall if state highway improvements were deemed to have had a significant adverse effect on toll revenues.

Director Agran asked for a clarification of the KCA recommendations. If they were adopted, would they run afoul of the non-compete agreement. Mr. Brown said no, if Foothill-South is not constructed, there is no non-compete protection on the I-5 below the 73.

Director MacLean asked what the estimated completion date was for FTC-S. Mr. Brown said it has a three-year completion timetable. It should be complete by late 2010 or early 2011.

Mr. Brown introduced Scott Taylor who addressed questions on water quality. He gave a brief overview of the Caltrans Best Management Practices (BMP) Retrofit Pilot Program. This is a stormwater research program focused on freeway and highway facilities. The objectives of the program are: (1) Evaluate of pollutant removal; (2) Observe technical feasibility for highways; (3) Determine construction and operating and maintenance costs/requirements. The study spanned over seven years, cost over \$15M and had over 100 people working on it at its peak. The study partners were Caltrans, United States Environmental Protection Agency (USEPA), National Resources Defense Council (NRDC) and the BayKeepers. Technical support was provided by the Department of Health Services, five universities, three engineering firms and other experts. The statewide study evaluated 37 BMPs at 33 sites with nine types of technology. The extended detention basin was selected for the corridor. In terms of maintenance, a maintenance indicator document was prepared, reviewed and modified more than 16 times over the course of the study. Monitoring is required in the Caltrans statewide National Pollutant Discharge Elimination System (NPDES) permit. TCA has committed to monitoring Caltrans' maintenance for five years. The final conclusion was that extended detention basins were determined to be the best performers.

Macie Cleary-Milan addressed the question of Native American sacred sites. There are two designated sacred sites on the green route identified by the Native American Heritage Commission (NAHC) along the alignment. The preferred alternative avoids impacting both designated sacred sites. Consultation with the NAHC, Office of Historic Preservation and identified Native American groups has occurred since 2003. Consultation will continue in compliance with the Federal 106 process for the NEPA documentation.

Ms. Cleary-Milan presented a slide with a view near the campground. Chairman Ryan asked for the detailed landscaping guidelines to be brought back before the Board for a final review.

Ms. Cleary-Milan reviewed the project mitigation. A 1200 acre Upper Chiquita area has had preservation started. There are opportunities for preservation and restoration of coastal sage scrub, oak woodlands, sensitive species and native grasslands. The TCA has been working with federal resources agencies in determining mitigation functions and values for FTC-S habitat impacts at a 1:1 ratio or as otherwise required by regulator permit/agreement conditions. In coordination with the Army Corps of Engineers (ACOE), United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG), TCA has created, restored and preserved nearly 2,000 acres

of sensitive wetland and sensitive habitat. TCA is a participating landowner for the southern Natural Communities Conservation Program (NCCP). TCA has provided funding for the coastal/central NCCP, which includes 38,000 acres of open space.

Director Anderson asked that the resolutions be taken separately with a roll-call vote on each one.

Director Agran announced that he was going to vote against the certification and the project itself. He explained that the project made sense for the Agency; however, he felt it did not make sense for everyone. He said that building an alternative will allow the freeway system to deteriorate and that he didn't think the I-5 widening alternative had been adequately explored. Directors Herzog, Dahl, Wilson, Campbell and Thor expressed their disagreement with Director Agran. Director Bist said she would vote for Resolution No. F2006-01, the EIR, but she could not vote for Resolution F2006-02, the proposed alignment. She stated her concern over the continual drive to accommodate growth and believes that efforts also need to be made to improve mass transit. Director Anderson stated that she would not be supporting the preferred alternative.

Director Agran asked what the result was of the 30 day extension given to the State. Chairman Ryan said he had received a note earlier in the meeting from the State Resources Secretary Mike Chrisman and the Secretary of Business Transportation and Housing Sunne McPeak. Chairman Ryan read it into the record.

"The Schwarzenegger Administration has been studying the proposed Foothill Toll road in Orange and San Diego Counties and the Governor and other high-ranking officials from his Administration have personally toured the area.

This is a complex issue involving a State Park with an expiring lease on Federal military land with the decision-making authority over this proposed road resting in the hands of local officials represented by the Transportation Corridor Authority.

Administration officials are very disappointed that the TCA was unable to find an alternative alignment acceptable to the military. We understand the desperate need to reduce traffic congestion in this area, but are equally concerned about losing valuable state park land that is beloved by so many California residents.

Following TCA's vote, federal and state law will require the TCA to complete additional filings and a federal environmental impact statement. The Resources and Business, Transportation and Housing Agencies will continue to work with the military, TCA, local officials and stakeholders to mitigate any impacts on San Onofre State Park should the project go forward as proposed and to explore all viable alternatives should there be an opportunity to reconsider the alignment."

- ACTION: 1. Adopt Resolution No. F2006-01 entitled "A Resolution of the Board of Directors of the Foothill/Eastern Transportation Corridor Agency Certifying Final Subsequent Environmental Impact Report TCA SEIR 4 for the South Orange County Transportation Infrastructure Improvement Project Pursuant to the California Environmental Quality Act."

MOTION: Campbell

SECOND: MacLean

VOTE: Yes: Ryan, Bone for Amante, Anderson, Bist, Campbell, Dahl, Galloway, Herzog, MacLean, Murphy, Eric Norby for Chris Norby, Allevato for Swerdlin, Thor, Wilson

No: Agran

Abstain: None

- ACTION: 2. Adopt Resolution No. F2006-02 entitled "A Resolution of the Board of Directors of the Foothill/Eastern Transportation Corridor Agency Selecting the Preferred Alternative for the South Orange County Transportation Infrastructure Improvement Project."

MOTION: Campbell

SECOND: MacLean

VOTE: Yes: Ryan, Bone for Amante, Campbell, Dahl, Galloway, Herzog, MacLean, Murphy, Eric Norby for Chris Norby, Allevato for Swerdlin, Thor, Wilson

No: Agran, Anderson, Bist

Abstain: None

IV. PUBLIC COMMENTS

There were no public comments.

4. CHIEF EXECUTIVE OFFICER'S REPORT
(William Woollett, Jr., Chief Executive Officer)

There was no report.

5. DIRECTORS' REPORTS AND NEW BUSINESS
(Ken Ryan, Chairman)

There was no new business.

IV. CLOSED SESSION

There was no closed session.

V. ADJOURNMENT

The next regular meeting of the Foothill/Eastern Board of Directors is March 9, 2006, 9:30 a.m., TCA Offices, 125 Pacifica, Irvine, CA 92618.